

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NORTH DAKOTA

In re:	)	
	)	
Drain Services Inc.	)	Case No. 23-30352
	)	(Chapter 11)
Debtor.	)	
_____	)	

**CREDITOR CHOICE FINANCIAL GROUP'S MOTION TO REDUCE TIME TO  
ANSWER DISCOVERY**

Comes now Choice Financial Group (herein "Choice"), a secured creditor of the above-named Debtor through its undersigned attorneys, who hereby submits the following Motion to Reduce Time to Answer Discovery (hereinafter this "Motion") requesting the court reduce the time within which Debtor Drain Services Inc. is permitted to respond to written discovery requests in the contested matter concerning the Debtor's Subchapter V Plan of Reorganization (Doc. # 69) (the "Plan").

In support of this Motion, Choice states as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding as defined by 28 U.S.C. § 157.
2. This Motion is filed under Fed.R.Bankr.P. 9006, 3019, 7026, 7033, 7034, and 9014, and Local Rules 2002-1.
3. Debtor has submitted their Plan of Reorganization and Choice anticipates filing an objection to the Debtor's Plan of Reorganization.
4. Choice has served on the Debtor Interrogatories and Request for the Production of Documents on the same date this Motion is being served and filed. Attached as Exhibit 1 to this Motion is a copy of the discovery requests and proof of service.

5. Under the Court's Scheduling Order dated November 9, 2023, a hearing regarding confirmation of the Plan is scheduled for December 12, 2023, with deadlines for voting on the Plan by December 7, 2023, and filing with the court exhibits of December 8, 2023.

6. The information requested in the written discovery is necessary for Choice's anticipated objection to the Plan and Choice would be prejudiced without the Debtor being required to produce the information ahead of a hearing. The information has been requested informally through counsel, with the last request made on November 13, 2023, with no further information being provided since then.

WHEREFORE, Choice respectfully requests the court enter an order ordering that the Debtor's time to answer the discovery requests attached hereto as Exhibit 1 is reduced to being due on December 5, 2023.

Dated: November 24, 2023.

By: /s/ John D. Schroeder  
**JOHN D. SCHROEDER, ND ID # 07147**  
For: Zimney Foster P.C.  
3100 S. Columbia Road, Suite 200  
Grand Forks, ND 58201  
Phone: 701.772.8111 Fax: 701.772.7328  
[jschroeder@northdakotalaw.net](mailto:jschroeder@northdakotalaw.net)  
Attorneys for Choice Financial Group



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NORTH DAKOTA

In re:	)	
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Drain Services Inc.	)	Case No. 23-30352
	)	(Chapter 11)
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_____	)	

**INTERROGATORIES & REQUESTS FOR THE PRODUCTION OF DOCUMENTS  
FROM CREDITOR CHOICE FINANCIAL GROUP TO DEBTOR**

**TO: DEBTOR DRAIN SERVICES INC., BY AND THROUGH THEIR ATTORNEY  
OF RECORD, MAURICE B. VERSTANDIG:**

**PLEASE TAKE NOTICE** that Choice Financial Group, (hereinafter “Choice”), by and through its undersigned counsel, requires you, Drain Services Inc. to answer in writing the following Interrogatories pursuant to Rule 26, 33, and 34 of the Federal Rules of Civil Procedure, as incorporated in this contested matter pursuant to Federal Rules of Bankruptcy Procedure 3019, 7026, 7033, 7034, and 9014, under oath within thirty (30) days after service hereof.

**PLEASE TAKE NOTICE** that these Interrogatories are continuing and obligate you to further answer such Interrogatories in the event you obtain additional information.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Choice herein requests that you produce and permit Choice to inspect, copy and photograph all documents, electronically stored information, and things in your possession, custody or control, which embody, refer to or relate to the following subjects. Choice requests that the documents, electronically stored information, and things herein requested be

produced at the office of Choice's attorney, ZIMNEY FOSTER P.C., 3100 South Columbia Road, Suite 200, Grand Forks, ND 58201 on the 30th day after service of this request.

You may comply with this request by forwarding a legible photocopy of any document or other item requested to counsel for Choice postmarked prior to the date for which production has been designated. You are also requested to make an appropriate designation as to the paragraph pursuant to which each document or other item is produced. If a document or other item is produced pursuant to more than one paragraph, the designation should so indicate.

PLEASE TAKE FURTHER NOTICE that the enclosed Interrogatories and Request for the Production of Documents bind you and your attorneys, agents, and employees, to answer any and all information possessed by them relative to the questions in the Interrogatories Request for the Production of Documents herein propounded.

#### **DEFINITIONS**

1. As used in these discovery requests, the words "writing," "writings," and "documents" refer to and include correspondence, contracts, agreements, telegrams or other telegraphic messages, memorandums, press releases, newspapers, periodicals, reports, notes, documents, tapes and all other materials within or upon which is any writing or utterance, whether by hand, typewriter, printing press, tape, record, or any other mechanical or electronic system of reproduction.

2. "Identify" or "identification" when used in reference to an individual person means to state his full name and present address, if known, and his present or last known position and business affiliation.

3. "Identify" or "identification" when used in reference to any writing, writings, or documents means to state:

- a. The date, if any;

- b. The approximate time and date of preparation, if known, or reasonably ascertainable;
- c. The length of the document;
- d. The nature of the document;
- e. The purpose of the document;
- f. A description of the contents of the document;
- g. The identity, including full name, title of position, whether still in your employment or under your control, and the last known address of the person or persons preparing the document;
- h. The name of the addressee of the document, or, if more than one, the names of each addressee;
- i. The present location of the original document or, if such original document cannot be located, the present location of any copies of the original document.

4. “You” or “your” means and refers to Drain Services Inc., your predecessors, authorized agents, attorneys, employees, officers, and representatives.

5. “Person” or “persons” means any individual, firm, partnership, association, corporation or other legal or commercial entity.

6. “Communication” means all modes of conveying meaning or information, such as but not limited to, telephone, telegraph, email, electronic data exchange and written or spoken language between two or more persons.

7. “Date” means the exact day, month and year, if ascertainable. If not, the closest approximation that can be made thereto through reference to other events, locations or matters.

8. With respect to any of these interrogatories which call for the listing, identification, content or description of documents, you may, in lieu of such identification or description, furnish to Choice such documents or copies for inspection and copying by lawyers.

**INTERROGATORIES**

1. Identify, by giving the name, title, address and telephone number(s) of each person who is completing this, or assisting in completing, the answers to these interrogatories.
2. Identify and explain all pending insurance claims including information about the nature and basis for the claim, the insurance provider, the name and contact information for any adjuster, the name and contact information for any claims agent, and the date of an anticipate settlement of the claim.
3. Identify and explain the business expenses pertaining to the project evaluations in Mankato and Woodbury, Minnesota, including who travelled on the trip, the times of any meetings with customers and who attended those meetings, and an itemized description for all of the charges incurred for the trip, including an itemization of all charges incurred at Great Wolf Lodge broken down my accommodations, meals, and entertainment.
4. Identify for each job identified in any cash collateral budget filed in this action by the Debtor whether such income is from a job that was an existing account receivable on the Petition date (“AR”) or work in progress (“WIP”) on the Petition date, the date the work was completed for AR, the date the work was started or will be started for WIP, the date work was completed or is anticipated to be completed, date payment is expected, date and amount of any payments that have been received, and the name, address, and telephone number of the principal persons of contact for the contracted parties.
5. Identify each charge on the Self Lender Account that has been made since the Petition Date, including the person making the charge, the item/service purchased, and the business purpose of the charge.

**REQUEST FOR PRODUCTION OF DOCUMENTS**

1. Identify and attach to your responses to these requests for the production of documents a copy of all documents, electronically stored information and tangible things referenced in your answers to interrogatories.

2. Identify and attach to your responses to these requests for the production of documents copies of all insurance documents relating to the pending insurance claim listed in your Schedules, and written communications related thereto, including copies of policies, claims, claim benefit explanations, letters, emails, declaration sheets, verification that Choice is listed as loss payee, copies of any equipment schedules, and checks.

3. Identify and attach to your responses to these requests for the production of documents copies of all insurance documents related to policies currently in effect or that you have used cash collateral to pay the premiums, including copies of policies, declaration sheets, verification that Choice is listed as loss payee, and copies of any equipment schedules.

4. Identify and attach for each job identified in any cash collateral budget filed in this action by the Debtor whether such income is from a job that was an existing account receivable on the Petition date ("AR") or work in progress ("WIP") on the Petition date any and all documents related to the job, including written contracts, bids, invoices, accounting entries, or like documents, and written correspondence concerning the job, including emails or text messages.

5. Identify and attach to your responses to these requests for the production of documents a fully itemized receipt from Great Wolf Lodge for charges indicated in the Debtor's bank ledger in November 2023.

6. Identify and attach to your responses to these requests for the production of documents all statements, account histories for the Self Lender account, and receipts for any Self Lender charge since the Petition Date.

Dated: November 24, 2023.

By: /s/ John D. Schroeder  
**JOHN D. SCHROEDER, ND ID # 07147**  
For: Zimney Foster P.C.  
3100 S. Columbia Road, Suite 200  
Grand Forks, ND 58201  
Phone: 701.772.8111 Fax: 701.772.7328  
[jschroeder@northdakotalaw.net](mailto:jschroeder@northdakotalaw.net)  
Attorneys for Choice Financial Group



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Drain Services Inc.	)	Case No. 23-30352
	)	(Chapter 11)
Debtor.	)	
_____	)	

**DECLARATION OF SERVICE**

**BRENDA R. DIPERSIO**, a legal assistant in the office of Zimney Foster P.C., 3100 South Columbia Road, Ste. 200, Grand Forks, ND 58201, is of legal age and not a party to or interested in the above-entitled matter and declares, that on November 22, 2023, she served the following:

- 1. INTERROGATORIES & REQUESTS FOR THE PRODUCTION OF DOCUMENTS FROM CREDITOR CHOICE FINANCIAL GROUP TO DEBTOR**
- 2. THIS DECLARATION OF SERVICE**

by sending the same in a postage paid envelope addressed to each person named below, at the address stated below, which is the last known address of the addressee, and by depositing said envelope in the United States mail in Grand Forks, North Dakota, and by emailing to the Attorney for the Debtor.

**Maurice VerStandig**  
The Dakota Bankruptcy Firm  
1630 1<sup>st</sup> Avenue N  
Suite B PMB 24  
Fargo ND 58102  
[mac@mbvesq.com](mailto:mac@mbvesq.com)  
**Attorney for Debtor**

**Drain Services Inc.**  
575 County Road 10  
Mapleton ND 58059

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: November 22, 2023 at Grand Forks, North Dakota

/s/ Brenda R. DiPersio  
**BRENDA R. DIPERSIO**

IN THE UNITED STATES BANKRUPTCY COURT  
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**DECLARATION OF SERVICE**

**BRENDA R. DIPERSIO**, a legal assistant in the office of Zimney Foster P.C., 3100 South Columbia Road, Ste. 200, Grand Forks, ND 58201, is of legal age and not a party to or interested in the above-entitled matter and declares, that on November 22, 2023, she served the following:

- 1. CREDITOR CHOICE FINANCIAL GROUP'S MOTION TO REDUCE TIME TO ANSWER DISCOVERY (WITH EXHIBIT 1 - INTERROGATORIES & REQUESTS FOR PRODUCTION OF DOCUMENTS FROM CREDITOR CHOICE FINANCIAL GROUP TO DEBTOR)**
- 2. PROPOSED ORDER GRANTING MOTION TO REDUCE TIME**
- 3. THIS DECLARATION OF SERVICE**

to the people who are Filing Users, by automatic e-mail notification pursuant to the Electronic Case Filing System and this notice constitutes service, and by sending the same in a postage paid envelope addressed to each person named below, at the address stated below, which is the last known address of the addressee, and by depositing said envelope in the United States mail in Grand Forks, North Dakota.

**Maurice VerStandig**  
The Dakota Bankruptcy Firm  
1630 1<sup>st</sup> Avenue N  
Suite B PMB 24  
Fargo ND 58102  
[mac@mbvesq.com](mailto:mac@mbvesq.com)  
**Attorney for Debtor**

**Drain Services Inc.**  
575 County Road 10  
Mapleton ND 58059

**Sarah J. Wencil**

Office of the U.S. Trustee  
Suite 1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis MN 55415  
[sarah.j.wencil@usdoj.gov](mailto:sarah.j.wencil@usdoj.gov)

**Robert B. Rashcke**

Assistant U.S. Trustee  
Suite 1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis MN 55415

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: November 22, 2023 at Grand Forks, North Dakota

/s/ Brenda R. DiPersio

**BRENDA R. DIPERSIO**